## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

## THE CLAIMS

Claim 1 has been amended to clarify that the arrangement of the weight coefficient is an arrangement of weight coefficients in correspondence with pixel positions in the input image, as shown in each of Figs. 6A to 6F, for example.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

## THE PRIOR ART REJECTION

Claims 1, 2 and 5 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,715,377 ("Fukushima et al") and US 2002/0025079 ("Kuwata et al"), and claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Fukushima et al, Kuwata et al, US 2004/0032524 ("Silverbrook") and USP 4,969,045 ("Haruki et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

On page 4 of the Office Action, the Examiner acknowledges that Fukushima et al does not disclose: selection means for

selecting an arrangement of a weight coefficient based on the photographing condition; or histogram related to the characteristic amount based on the arrangement of the weight coefficient; or gradation conversion curve calculation means for calculating a gradation conversion curve based on the histogram. For this reason, the Examiner has cited Kuwata et al to supply the missing teachings of Fukushima et al.

It is respectfully submitted, however, that Kuwata et al does not disclose, teach or suggest, in particular, selection means for selecting an arrangement of weight coefficients in correspondence with pixel positions in the input image, based on the photographing condition, and histogram generation means for generating a weighting histogram related to the characteristic amount based on the arrangement of the weight coefficients in correspondence with the pixel positions in the input image, as recited in amended independent claim 1.

That is, as recognized by the Examiner, Kuwata et al discloses selecting a single coefficient k (see steps Sd190 and S196 in Fig. 45, cited by the Examiner). However, according to Kuwata et al, the single coefficient k is used to obtain a histogram of luminance distribution (paragraph [0351] and step SD310) as the summation result Dist\_Sum of the weighted addition (using the coefficient k) of the histogram Dist\_avg of the uniform sampling and the histogram Dist\_avg of the edge

sampling. See, for example, formula (68) in paragraph [0344] of Kuwata et al.

Thus, for the coefficient k disclosed by Kuwata et al, the pixel positions (two-dimensional arrangement) are not been taken into account.

By contrast, according to the present invention as recited in amended independent claim 1, the selection means selects an arrangement of weight coefficients in correspondence with pixel positions in the input image, based on the photographing condition, and the histogram generation means generates a weighting histogram related to the characteristic amount based on the arrangement of the weight coefficients in correspondence with the pixel positions in the input image. Thus, the "arrangement" is a two-dimensional arrangement of weight coefficients in correspondence with pixel positions. See each of Figs. 6A to 6F (each showing an "arrangement") of the present application.

It is respectfully submitted that Kuwata et al clearly does not at all disclose, teach or suggest selecting an arrangement of weight coefficients in correspondence with pixel positions, or generating a histogram based on the arrangement of weight coefficients in correspondence with pixel positions.

Accordingly, it is respectfully submitted that even if
Kuwata et al were combinable with Fukushima et al in the manner
suggested by the Examiner, the structure of the present invention

as recited in amended independent claim 1 still would not be achieved or rendered obvious.

Silverbrook and Haruki et al, moreover, have merely been cited with respect to dependent claim 3.

In view of the foregoing, it is respectfully submitted that amended independent claim 1 and claims 2, 3 and 5 depending therefrom clearly patentably distinguish over the Fukushima et al, Kuwata et al, Silverbrook, and Haruki et al, taken in any combination under 35 USC 103.

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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